

Smith and further in view of Hebenstreit, U.S. patent no. 6,441,321, all of which claims depend from the *allowed* amended independent Claims 1 and 13. The Examiner has overlooked the fact that claims which depend from allowable independent claims cannot properly be rejected under Sections 102 or 103.

The Examiner has also overlooked Applicant's arguments regarding Claims 8-11, 20 and 21 made in response to the prior Office action of May 30, 2006, which Applicant hereby incorporates by reference. In his prior arguments, Applicant pointed out that Krolopp, one of the essential references cited by the Examiner for his rejections, cannot serve as a valid reference for claim rejections under either 35 U.S.C. § 102(b) or 35 U.S.C. § 103(a):


“However, Krolopp does not disclose the claimed disengageable motor drive connection that provides the capability to completely physically disengage a drive motor from the load cell during the weighing process, thus eliminating extraneous inputs to the load cell from contact with the drive motor. Krolopp merely describes a pneumatic cylinder supported by a load cell, which drives a rotating bucket through a one-way clutch. Consequently, even when not driving the bucket, the pneumatic cylinder is always in contact with the load cell, and therefore, affects the accuracy of the resulting weight indication. This arrangement does not provide the complete physical separation between the weigh station and the drive motor provided by Applicant's disengagable motor drive and explicitly required by the independent claims. Accordingly, Krolopp does not disclose the disengageable motor drive connection as described and claimed by Applicant and cannot anticipate Applicant's claims under 35 U.S.C. § 102(b).

Further, for the same reason, Krolopp cannot serve as a valid reference for claim rejections under 35 U.S.C. § 103(a). Although applicant respectfully asserts that none of the three cited patents disclose or suggest other limitations included in the rejected claims, applicant

believes that the absence of the disengageable motor drive connection alone, as discussed above, resolves the Examiner's concern. Accordingly, in the interest of efficiency, applicant elects to forgo further argument on these other limitations not present in the cited patents. In foregoing discussion of these additional limitations not present in the cited patents, applicant does not waive his right to fully discuss the other limitations, if necessary, in the future."

Accordingly, Applicant respectfully asserts that the rejections of dependent Claims 8-11, 20 and 21 under Section 103 should be withdrawn. In light of the foregoing remarks, it is submitted that this application is in condition for allowance and prompt and favorable reconsideration is respectfully requested. The Examiner is encouraged to contact the undersigned via telephone to resolve any outstanding issues.

Respectfully submitted,

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